

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<hr/>	:	Hon. Dennis M. Cavanaugh
PETER HILBURN and FELICIA RYAN,	:	
	:	ORDER
Plaintiffs,	:	
	:	Civil Action No. 07-CV-5211
v.	:	
	:	
BAYONNE PARKING AUTHORITY;	:	
JOSEPH DORIA, individually and in his	:	
official capacities; THE CITY OF	:	
BAYONNE, a Municipal Corporation;	:	
PETER CRESCI, individually and in his	:	
official capacities as Chairman of the	:	
Bayonne Parking Authority; MICHAEL	:	
PIERSON; KATHY LORE; and	:	
BAYONNE PARKING AUTHORITY	:	
(BPA) Commissioners 1-10, individually	:	
and in their official capacities,	:	
	:	
Defendants.	:	
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DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before this Court upon motion by Defendant Kathy Lo Re (“Defendant”) to dismiss the First and Sixth Counts of the First Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6).¹ Pursuant to Fed. R. Civ. P. 78, no oral argument was heard. Upon consideration of all submissions and based upon this Court’s Opinion filed this day;

IT IS this 30th day of December, 2009;

¹In a footnote, Defendant contends that if this Court concludes that Count One should be dismissed with respect to Defendant, then this Court should dismiss Count Two as well.

ORDERED Defendant's motion to dismiss Count One of Plaintiffs' First Amended Complaint with respect to Defendant Lo Re is **granted**;

ORDERED Defendant's motion to dismiss Count Two of Plaintiffs' First Amended Complaint with respect to Defendant Lo Re is **granted**; and further,

ORDERED Defendant's motion to dismiss Count Six of Plaintiffs' First Amended Complaint with respect to Defendant Lo Re is **denied**.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File